

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID J. SEAGLE,
QING LESLIE HE,
and G. VINSON KELLEY

MAR 22 2006

U.S. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 10/087,505

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on March 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On October 5, 2005, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 3, paragraph 8, the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that reference to Sasaki (U.S. 6,624,971) was applied to the statement of rejections in the Grounds of Rejection,

paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of reference mentioned in the statement of rejections. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) vacate the Examiner's Answer mailed October 5, 2005, and issue a revised Examiner's Answer having the missing reference listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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